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4 UNITED STATES DISTRICT COURT  
5 WESTERN DISTRICT OF WASHINGTON  
6 AT TACOMA

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 2004 BLUE LEXUS GX470, Washington  
11 License Plate 029RYB, VIN  
12 JTJBT20X940035115, et al.,

13 Defendants.

No. C08-5084RJB

ORDER DENYING CLAIMANT  
GILBERT'S MOTION TO TERMINATE  
SEALED BID SALE

14 This matter comes before the court on the above-referenced motion (Dkt. 61). The court  
15 is familiar with the documents filed in support of and in opposition to the motion, and the  
16 contents of the file. For the reasons stated herein, the motion should be denied.  
17

18 Claimant Gilbert objects to the proposed sale of the claimant's helicopter, scheduled for  
19 December 16, 2009, at 11:00 a.m. by sealed bid. The sale is to be made pursuant to the  
20 "Stipulation for an Interlocutory Sale, and to Lift Stay for Entry of Order Authorizing  
21 Interlocutory Sale of the Defendant's Properties Named in This Civil Forfeiture Matter" (Dkt. 60-  
22 2),  
23

24 Claimant makes two basic objections to the sale. The first is that he did not get written  
25 notice sufficiently in advance to allow input as to the manner of sale, as provided by paragraph  
26 28 of the Stipulation for Interlocutory Sale (Dkt. 60-2). The second is that the proposed manner

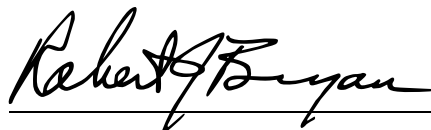
1 of sale will not maximize the proceeds from the sale of the assets, as required by paragraph 27 of  
2 the Stipulation for Interlocutory Sale. (*Id.*)

3  
4 As to the notice provision, no specific time is contained for advance notice in the  
5 stipulation, and the sale was set up without the contemplated notice to the claimant.  
6 Nevertheless, through these proceedings, claimant has had actual notice of the manner in which  
7 the United States Marshal's Service intends to sell the helicopter and through these proceedings,  
8 has had an opportunity to provide input as to the manner of sale, in plenty of time for the United  
9 State's Marshal's Service or the court to stop the sale if it is not to be conducted in the "most  
10 commercially feasible manner, so as to maximize the proceeds from the sale of the assets" as  
11 required by paragraph 27 of the Stipulation for an Interlocutory Sale.  
12

13 It further appears from the plaintiff's showing that, in spite of the claimant's concerns, the  
14 planned sale will be conducted in the most commercially feasible manner and will maximize the  
15 proceeds from the sale of the helicopter. Claimant's showing simply indicates that his proposed  
16 manner of sale might generate a higher price for the helicopter. In the face of the plaintiff's  
17 showing, claimant's showing is not strong enough for the court to find by a preponderance, that  
18 the claimant's proposed alternative method of sale would bring a higher price.  
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20 For those reasons, claimant Gilbert's Motion to Terminate Sealed Bid Sale (Dkt. 61) is  
21 hereby DENIED.

22 Dated this 15<sup>th</sup> day of December, 2009.  
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26 ROBERT J. BRYAN  
United States District Judge